

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ APR 27 2007 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

-----X  
RICHARD ALFARO,

**NOTICE OF APPEAL**

Plaintiff,

CV 06 1470

-against-

Seybert, J.

BARBARA LABADOR, individually, BETH WICKEY,  
Individually, ANN NOWAK, individually, HUBERT  
PHILLIPS, individually, KEITH TUTHILL, individually,  
PAUL HOULIHAN, individually, WILLIAM MEES,  
individually, STEVEN FRANO, individually JONATHAN  
IRWIN, individually, "JOHN DOE" and "JANE DOE",  
#1-5, 6-10, and 11-15 individually and personally  
representing the fictitious or partially fictitious names  
of individuals, whose full names are unknown to Plaintiff,  
were at all relevant times herein, employees of the TOWN  
OF SOUTHAMPTON BOARD MEMBERS comprising  
THE SOUTHAMPTON ZONING BOARD OF APPEALS,  
THE TOWN OF SOUTHAMPTON DEPARTMENT OF  
LAND MANAGEMENT AND ZONING DIVISION,  
and the TOWN OF SOUTHAMPTON,

Defendants.  
-----X

Notice is hereby given that defendants BARBARA LABADOR, BETH WICKEY, ANN  
NOWAK, HERBERT PHILLIPS and KEITH TUTHILL, defendants in the above named case,  
hereby appeal to the United States Court of Appeals for the Second Circuit from an order by  
Joanna Seybert, United States District Court Judge of the Eastern District of New York, denying  
qualified immunity, entered in this action on the 28<sup>th</sup> day of March, 2007.

Dated: Smithtown, New York  
April 24, 2007

Yours, etc.,

DEVITT SPELLMAN BARRETT, LLP  
Attorneys for Defendants-Appellants, LABADOR,  
WICKEY, NOWAK, PHILLIPS and TUTHILL  
50 Route 111  
Smithtown, New York 11787  
(631) 724-8833

  
\_\_\_\_\_  
JELTJE DEJONG (JD 4452)

TO: PERRY & CAMPANELLI, LLP  
Attorneys for Plaintiff  
129 Front Street  
Mineola, New York 11501  
(516) 746-1600

GEOFFREY F. PFORR, Esq.  
Attorney for Defendant, William Mees  
Kral Clerkin Redmond Ryan Perry & Girvan, LLP  
496 Smithtown Bypass  
Smithtown, New York 11787

A082 SWEDA

(Rev. 3/02)

ORIGINAL  
RECEIPT FOR PAYMENT  
UNITED STATES DISTRICT COURT

022800

for the  
EASTERN DISTRICT OF NEW YORK  
at CENTRAL ISLIP

Fund	
6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
508800	Immigration Fees
085000	Attorney Admission Fees
086900	Filing Fees
322340	Sale of Publications
322350	Copy Fees
322360	Miscellaneous Fees
143500	Interest
322380	Recoveries of Court Costs
322386	Restitution to U.S. Government
121000	Conscience Fund
129900	Gifts
504100	Crime Victims Fund
613300	Unclaimed Monies
510000	Civil Filing Fee (1/2)
510100	Registry Fee

000333P

000334P

000114P

22800\*W

NOTICE OF APPEL

086900 5.00

DOCK FEE ON APP

086900 250.00

APPEAL FEE

086400 200.00

\*\*

TOTAL 455.00

CHECK 455.00

6374\*\*

CHANGE 0.00

3 ITM-CT

## CASE REFERENCE:

04/27/07 REC01 184116A001 12:07

06CV1470

## RECEIVED FROM

Devitt Spellmant  
Barrett

DEPUTY CLERK

LA

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

GPO: U.S. GPO: 2006-510-661